

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

RONNIE DAVIS WALLS

PLAINTIFF

VS.

CIVIL ACTION NO. 5:06-cv-188-DCB-MTP

CLIFTON KAHO, ET AL.

DEFENDANTS

ORDER

This cause came on this date to be heard upon the Report and Recommendation of the United States Magistrate Judge, after referral of hearing by this Court, and the Court, having fully reviewed the Report and Recommendation of the United States Magistrate Judge entered in this cause, and being duly advised in the premises, finds that said Report and Recommendation should be adopted as the opinion of this Court.

IT IS, THEREFORE, ORDERED that the Report and Recommendation of United States Magistrate Judge Michael T. Parker be, and the same is hereby, adopted as the finding of this Court. Accordingly, the plaintiff's motion to amend the complaint [45-2] is granted in part, but denied to the extent that it seeks to add each defendant's liability insurer as a defendant, and the proposed amended complaint [45-2] is deemed filed with the court as plaintiff's Amended Complaint (with the exception of claims against each defendant's liability insurer, which claims are deemed stricken); that plaintiff's motion to misjoin or voluntarily dismiss defendants [45-3] is granted and plaintiff's claims against defendants Farris, Hannah, Brown, Bunkley, Aultman and Johnson are dismissed without prejudice; and that defendant Kaho's motion to dismiss for failure to state a claim or in the alternative for summary judgment [20] [22] is dismissed as

moot.

SO ORDERED, this the 20th day of February, 2008.

s/ David Bramlette
UNITED STATES DISTRICT JUDGE